



September 17, 2018

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

Subject: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Secretary Dortch:

On behalf of the Jefferson Township Board of Trustees, I write to express our concerns with the Federal Communications Commission's (FCC) proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. Jefferson Township is located in Franklin County, Ohio and has a population of 11,000 residents. We are a member of the Mid-Ohio Regional Planning Commission (MORPC), which is comprised of more than 60 member local governments and regional organizations representing more than two million residents in a 15-county region.

We welcome the tremendous benefits that new technologies can bring to Central Ohio and appreciate the Commission's efforts to engage with local governments on this important issue. Ensuring the growth of cutting-edge broadband services for all Americans is a worthy endeavor, yet it should not come at the expense of local government authority. We remain deeply concerned about several provisions of this proposal. Local governments have a vital responsibility to protect the health, safety, and welfare of residents. The preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme**
The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.
- **The FCC's proposed definition of "effective prohibition" is overly broad.**
The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have

intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.

- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.**

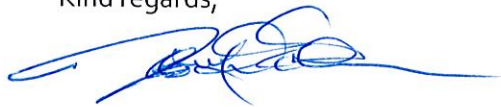
We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities? This would be an unreasonable restriction on local government's ability to effectively serve their citizens with appropriate review. It also unfairly shifts the cost burden of the review from the private sector to local governments.

The combined effect of the proposed limits on review timeframes and fees, and unclear definition of effective prohibition is to incentivize the proliferation of small cell wireless facilities in public rights-of-way by telecom providers outside of a planned and coordinated process, and without consideration of public health, safety, and welfare.

This year many local governments in Central Ohio worked in a collaborative fashion with telecom companies to address municipalities' concerns with the small cell facility language enacted in a separate piece of legislation. After months of negotiating, the interested parties reached a consensus resolution that addressed the telecommunication industry's real concerns of ensuring greater predictability in deploying new technology throughout Ohio, while respecting the character of localities and protecting local infrastructure investment. The outcome of that compromise was House Bill 478, which was signed into law earlier this year by Governor Kasich. If this rule were to take effect, the hard work and equitable compromise accomplished through the bill will be undone. Therefore, we oppose this effort to restrict local authority and urge you to oppose this declaratory ruling and report and order.

Thank you for the opportunity to comment on how small cell infrastructure affects Central Ohio communities like Jefferson Township. We look forward to continuing our efforts of advancing the deployment of new and emerging communications technologies in the best possible manner.

Kind regards,



Jeffrey R. Palm
Township Administrator